IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 903 of 1995

Between:

S. Tata Rao S/o Venkata Reddy
R/o Manepally, P. Gannavaram (M),
East Godavari Dist.

PETITIONER

AND

1 The General Manager District Cooperative Central Bank Ltd.
Kakinada, E.G. Dist.
2 District Cooperative Officer
Kakinada, E.G. Dist.
3 The President, Manepalli P.A.C.S.
Manepalli, P. Gannavaram (M), E.G. Dist.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records pertaining to the proceedings dt: 16-1-1995 on the file of the 1st respondent herein wherein the petitioner was transferred from 3rd respondent society and posted as Secretary to Venkata Krishnaraya Puram P.A.C.S. as illegal, abinitio void by issuance of Writ of certiorari or any other appropriate Writ, Order or Direction.

Counsel for the Petitioner: MR.G.V.SHIVAJI/MR. A. SATYA PRASAD.

Counsel for the Respondents NO.2 : GP FOR COOPERATION

The Court made the following:

ORDER:

The order impugned in the writ petition is the proceedings dated 16-1-1995 issued by the 1st respondent whereby the petitioner was transferred and posted as Secretary to Venkata Krishnaraya Puram P.A.C.S. The petitioner challenges the competence of the 1st respondent, General Manager, District Co-operative Central Bank Ltd., Kakinada, in issuing the impugned proceedings.

This Court, by order inW.P.M.P.No.1059 of 1995 dated 20-1-1995, suspended the order of transfer issued by the 1st respondent. On a vacate stay petition in WVMP No. 2038 of 1997 being filed, this Court on considering the fact that similar questions had been raised in other WPs. which are pending directed this writ petition to be posted for final hearing.

Sri G.V.Shivaji, learned counsel appearing on behalf of the petitioner fairly concedes that in the said batch of writ petitions, the power of the 1st respondent to transfer Secretaries of the Primary Agricultural Co-operative Societies has been upheld by this Court. Learned Counsel submits that in view of the order of the transfer being suspended by this Court, and in view of the fact that more than a decade has elapsed, and the petitioner has been continued in the same place for the past ten years, the impugned order of the transfer dated 16-1-1995 should not now be given effect to. The validity of the order of transfer dated 16-1-1995 need not now be gone into, since more than ten years has elapsed in the meanwhile. Suffice to state that since the power of the 1st respondent to transfer secretaries of Primary Agricultural Co-operative Societies has been upheld, it is for the 1st respondent, based on exigencies of administration, to take an appropriate decision regarding transfer of Secretaries of the Primary Agricultural Co-operative Societies, including that of the petitioner herein. Since the interim order passed by this Court merges with the final order now being passed, it is directed that the 1st respondent, taking into consideration all relevant circumstances, shall decide whether or not to give effect to the order dated 16-1-95 transferring the petitioner and posting him as Secretary, Venkata Krishnarayapuram, Primary Agricultural Co-operative Society.

Writ petition is accordingly dismissed. No costs.

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Justice Ramesh Ranganathan

Date: 06th July, 2005.

dvs

Copies to:

1 The General Manager District Cooperative Central Bank Ltd.
Kakinada, E.G. Dist.
2 District Cooperative Officer Kakinada, E.G. Dist.
3 The President, Manepalli P.A.C.S. Manepalli, P. Gannavaram (M), E.G. Dist.

4. Two CCs to GP for Co-operation, High Court Buildings, Hyderabad(OUT)

5. Two CD copies.

HONOURABLE SRI JUSTICE RAMESH RANGANADHAN

W.P.No.903 OF 1995

06th July, 2005